

REMARKS

After entry of this Amendment, claims 1, 2, 4-7, and 9-13 will be all the claims pending in the application. Claims 1, 5 and 6 have been amended. Claims 3 and 8 have been canceled. Support for the amendment to claim 1 may be found in the specification, e.g., at page 5, lines 22-35.

No new matter has been added.

Entry of the above amendments is respectfully requested.

Applicants thank the Examiner for withdrawing the rejection of claims 1-8 under 35 U.S.C. § 102(b) over Syudo (EP 1 151 751) in view of Applicants' Amendment filed November 17, 2008.

Improper Hybrid Claim

On page 2 of the Office Action, claim 8 is rejected under 35 U.S.C. § 101 because the claimed invention is allegedly drawn to non-statutory subject matter, and under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

In response, and while not agreeing that the rejection is appropriate, claim 8 has been canceled, rendering the rejections moot.

Withdrawal of the rejection is respectfully requested.

Claim Rejection - 35 U.S.C. § 112

(A) On page 3 of the Office Action, claims 1-8 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Initially, Applicants submit that claims 3 and 8 have been canceled, thereby rendering the rejection moot for these claims.

Next, in response, and while not agreeing that the rejection is appropriate, claims 1, 5 and 6 have been amended to delete the phrase “or a derivative thereof.” Applicants submit the present claims comply with the written description requirement under 35 U.S.C. § 112, first paragraph.

Withdrawal of the rejection is respectfully requested.

(B) On page 5 of the Office Action, claims 1-8 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter.

Initially, Applicants submit that claims 3 and 8 have been canceled, thereby rendering the rejection moot for these claims.

Next, in response, and while not agreeing that the rejection is appropriate, claims 1, 5 and 6 have been amended to delete the phrase “or a derivative thereof.” Applicants submit the present claims comply with the requirements under 35 U.S.C. § 112, second paragraph.

Withdrawal of the rejection is respectfully requested.

Claim Rejection - 35 U.S.C. § 103

On page 6 of the Office Action, claims 1-8 are rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Syudo in view of Juhn-Rendu et al. (US Patent Publication No. US 2003/0012760). Applicants respectfully traverse the rejection for the following reasons.

Initially, Applicants submit that Syudo discloses a cataplasm comprising a crosslinked polymer gel containing vitamin C or a derivative thereof and a support, wherein the gel is formed by crosslinking a polymer with two kinds of substances selected from magnesium aluminometasilicate, dried aluminum hydroxide gel and aluminum chloride (*see*, claim 1), and exemplifies polyacrylic acid and sodium polyacrylate as the polymer (*see*, claim 2).

The crosslinked polymer gel of Syudo is formed by crosslinking a polymer with two members selected from magnesium aluminometasilicate, dried aluminum hydroxide gel and aluminum chloride. Regarding the “magnesium hydroxide-aluminum hydroxide co-precipitate” (alumina magnesium hydroxide) as employed in the present invention, it is described, at Comparative Examples 1-3 of the Syudo specification, that cataplasms were prepared by using the ingredients used in Examples 1-3 except that the magnesium aluminometasilicate, dried aluminum hydroxide gel and aluminum chloride were replaced with the same amount of alumina magnesium hydroxide. However, the evaluation of these cataplasms showed insufficient performance in that overflow of plaster, exudation from the back face of the non-woven fabric, adhesion of plaster to a polyethylene film upon removal of the film, and adhesion of plaster to human skin after being applied to and removed from the skin were significantly observed. In addition, the polymer of the polyacrylic acid and sodium polyacrylate as exemplified in Syudo do not contain acrylic acid/sodium acrylate copolymer as an indispensable ingredient as in the present invention.

Applicants also submit that Jahn-Rendu et al. disclose, in the examples, a composition containing a reticulated acrylic acid/sodium acrylate copolymer and sodium polyacrylate. However, Jahn-Rendu et al. describe that the sodium polyacrylate is used as a thickening agent and/or emulsifier, but do not teach that an aluminum compound is added to the composition. Therefore, the acrylic acid/sodium acrylate copolymer cannot be crosslinked.

Between the present invention and Syudo, the compositions of the polymers crosslinked are different. In addition, Syudo discloses a cataplasma in which alumina magnesium hydroxide is used, but the evaluation of the overflow of plaster, etc., is insufficient, so that the present invention is neither taught nor suggested by Syudo. Also, the present invention is neither taught

nor suggested by Jahn-Rendu et al. since Jahn-Rendu et al. do not teach that an aluminum compound is added to the composition. Therefore, the present invention is clearly distinguished from the combined disclosures of Syudo and Jahn-Rendu et al.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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